

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

February 2, 2009
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Additions included information on the Rice Hospital CEO search, developments within the Fire Department, and Mayoral appointments.

The Mayor's State of the City Address was removed from the Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 12, City Council Work Session Minutes of January 20, Municipal Utilities Commission Minutes of January 14 and 28, 2009; Kandiyohi Area Transit Operating Board Minutes of November 25, Housing and Redevelopment Authority Board Minutes of December 9 and Convention and Visitors Bureau Board Minutes of December 16, 2008; and Exempt Permit Application, West Central Ducks Unlimited. Council Member Anderson seconded the motion, which carried.

Council Member Ahmann moved to appoint Council Member Anderson to the Pioneerland Library Board with Council Member Reese seconding the motion, which carried.

Council Member Dokken moved to appoint Sandy Gardner to the Airport Commission with Council Member Reese seconding the motion, which carried.

At 7:06 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Fees Charged by the City of Willmar. City Clerk Halliday presented details of the proposed changes to the Planning and Development Department and City licenses and permits issued by the City Clerk. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:07 p.m.

Council Member Reese offered a motion to adopt, assign a number and publish the Ordinance Amending Fees Charged by the City of Willmar. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Member Ahmann and Dokken voted "No."

At 7:08 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Municipal Code Chapter 16 Regulating Sanitary Sewer Usage, Fees and Related Provisions. City Administrator Schmit presented a PowerPoint slide show on sanitary sewer usage, fees and related provisions. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:31 p.m.

Following discussion, Council Member Anderson offered a motion to adopt, assign a number and publish the Ordinance Amending Willmar Municipal Code Chapter 16 Regulating Sanitary Sewer Usage, Fees and Related Provisions. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At this time Mayor Heitke recognized Les Kaenel, Commander of the VFW Post 1639 who

presented to the City of Willmar a check to Uncommon, Inc. for the purchase of flags to be displayed throughout the City. The Mayor expressed the community's appreciation for the donation by the VFW. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Veteran's of Foreign Wars has donated to the City of Willmar American Flags to be displayed throughout the community;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation valued at \$1,000.00 and that the City Administrator be directed to express the community's appreciation.

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Community Development Committee Report for January 14, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee reviewed a number of ordinances prepared by Staff based on recommendations of the Housing Task Force. The ordinances deal with off-street parking, exterior storage, exterior building maintenance, garbage containers for rental properties, noise violations, snow and ice removal and animal licensing. The Committee was recommending that the ordinances be transmitted to the City Council for discussion.

Following discussion, Council Member DeBlieck moved to introduce the following Ordinances and scheduling hearings for February 17, 2009: Ordinance Amending No. 1198 Known as the Exterior Condition of Residential Structures Ordinance by Amending Section 5 Relating to Exterior Maintenance Standards; Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Exterior Storage and Section 4 Related to Off-Street Parking; Ordinance Amending Willmar Municipal Code Chapter 9 Article V. Noise Section 9-88.2 Same Penalties; Ordinance Amending Willmar Municipal Code Chapter 13 Article 13 Sidewalks Section 13-70(a) Removal of Snow, Ice, Dirt and Rubbish; and Ordinance Amending Municipal Code Chapter 6.5 Article II Rental Housing Division 2. Standards Section 6.5-46 Responsibilities of Owners and Occupants (g). Council Member Dokken seconded the motion, which carried.

Item No. 2 Staff presented information regarding the current fees for licensing and inspections under the rental housing inspection program. It was noted that Willmar's fees have not been adjusted since the inception of the program and are considerably less than those of other communities with rental programs. Action on any changes to the rental inspection fee schedule was deferred pending Council budget meetings. This matter was for information only.

Item No. 3 Ron Christianson presented an article from a publication of the Southwest MN Housing Partnership in which the Westwinds Development was featured. There was no action required, and this matter was for information only.

The Community Development Committee Report for January 14, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for January 15, 2009, was presented to the Mayor and Council by Council Member Reese. There was one item for Council consideration.

Item No. 1 The Committee and various representatives of the involved entities were present to hear the presentation of the feasibility report prepared by the firm of CH2M Hill. Jon Henslin of Mn/DOT addressed the Committee with opening remarks relating to those involved in the partnership study - Mn/DOT, Kandiyohi County and the City of Willmar. He then introduced Howard Preston of CH2M Hill, consulting engineer, who gave the PowerPoint presentation.

The presentation started with a background to include the history of crashes at the intersection which resulted in a 2006 Road Safety Audit. The audit identified potential short and long-term modifications. These modifications included upgrades to the existing signs, the addition of one-way signs and increasing the corner radius in the southwest corner of the intersection. There was no significant reduction in crashes from these modifications.

In 2007 there was the implementation of blinking LED lights on stop and yield signs within the intersection, and also the initiation of a study to develop, evaluate, and screen alternative improvement strategies. The study included an overview of the existing conditions including geometry, traffic control, traffic volumes and crash characteristics. The crash analysis confirmed a higher than expected crash rate at the intersection and an irregular crash type with overrepresentation of right-angle crashes.

The process used to analyze the intersection improvement alternatives included developing the evaluation criteria, agreement on the range of alternatives, screening the alternatives for the most effective at reducing crashes, and a final review and comparison of the screened alternatives. Initially nine alternatives were considered ranging from a No Build to a grade separation of roadways. A signal warrant analysis was done using 48-hour counts taken on January 16, 2008. The traffic volume at the intersection warrants two of the criteria, but did not suggest that a traffic signal must be installed.

The joint powers then used the evaluation criteria and eliminated all but three of the alternatives, those being numbers 3, 5 and 8. Alternative three is a partial median closure, alternative five is a roundabout, and alternative eight is an indirect left-turn. After much discussion, a preferred action was agreed upon to construct alternative three. If approved by all three entities, it may be considered for construction as early as 2010 depending on future crash rates and cost. Alternative three was then discussed in detail, the Committee was recommending the Council approve Alternative No. Three as proposed and authorize preparation of preliminary plans to begin the design phase.

Following discussion, Council Member Reese moved to delay action on the construction of alternative three, request MnDOT to incorporate the intersection design in the scope of the North 71 Project, and further request MnDOT to conduct a speed study to reduce the speed limit. Council Member Anderson seconded the motion, which carried.

The Public Works/Safety Committee Report for January 15, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

The Public Works/Safety Committee Report for January 27, 2009, was presented to the Mayor and Council by Council Member Reese. There was one item for Council consideration.

Item No. 1 The Committee considered a change order to the Airport fuel system. Staff explained that in October, 2008, the Council authorized Determan Brownie, Inc. to install stainless-steel piping, an additional hand pump, and repair or replace the jet fuel static reel. When Determan Brownie was preparing to start the improvements, they contacted Staff and also recommended different anti-siphon valves be installed on each tank. The total cost for this additional work would be \$500.00. The previously authorized improvements are to be funded from within the 2007 capital budget designated for security cameras. Staff recommended adding the anti-siphon valves, which could also be funded from this area.

The Committee was recommending the Council authorize a change order in the amount of \$500.00 for the installation of anti-siphon valves and direct the Finance Director to re-designate \$500 from the 2007 Security Camera to cover the additional expenses. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Mayor and City Clerk to sign Change Order No. 1 to the contract with Determan Brownie for airport fuel piping modifications, and the Finance Director to amend the Airport Capital Improvement Fund Budget as follows:

Increase:	2008 Fuel Piping Changes	\$500
Decrease:	2007 Security Camera	\$500

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee was informed by Staff that the Hangar Financing and Repayment Agreement entered into with the State of Minnesota in November, 2007 for financing the 12-unit tee hangar at the Airport need not be utilized. The City has received authorization from the Legislature to finance the hangar from a DEED grant. Staff recommended the Committee rescind the action taken last November.

The Committee was recommending the Council rescind the Hangar Financing and Repayment Agreement resolution dated November 19, 2007. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, a Hangar Financing and Repayment Agreement was approved by the City Council on November 19, 2007; and

WHEREAS, the agreement will no longer be needed to finance the 12-unit tee hangar.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that Resolution No. 5 to the City Council minutes of November 19, 2007 is rescinded.

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a final pay request for Project No. 0701 – 2007 Street Improvements. The final amount due the contractor, Duinick Bros., Inc. of Prinsburg, MN is payment for the wear course and the retainage amounting to \$101,366.47.

The Committee was recommending the Council accept Project No. 0701 and issue final payment to Duinick Bros, Inc. Resolution No. 4 was introduced by Council Member Reese, seconded by Council

Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0701 – 2007 Street Improvements
CONTRACTOR: Duinick Bros. Inc.
DATE OF CONTRACT: June 7, 2007
BEGIN WORK: June 18, 2007
COMPLETE WORK: August 12, 2008
APPROVE, CITY ENGINEER: December 17, 2008

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0701 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,055,537.06
Change Order No. 1 and 2	\$75,112.33
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,130,649.39
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,013,711.69
Less Previous Payments	\$912,345.22
FINAL PAYMENT DUE CONTRACTOR:	\$101,366.47

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a final pay request for Project No. 0703 – Water View Business Park Street Improvements. The consulting engineer, Bolton and Menk, is recommending the project be closed out. The final amount due the contractor, Duinick Bros., Inc. of Prinsburg, MN is the retainage amounting to \$10,367.09.

The Committee was recommending the Council accept Project No. 0703 and issue final payment to Duinick Bros, Inc. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0703 – Waterview Business Park Street Improvements
CONTRACTOR: Duinick Bros. Inc.
DATE OF CONTRACT: February 26, 2007
BEGIN WORK: June, 2007
COMPLETE WORK: October, 2008
APPROVE, CITY ENGINEER: January 9, 2009

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0703 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$ 1,144,205.40
Change Order No 1	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,144,205.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,036,708.68
Less Previous Payments	\$1,026,341.59
FINAL PAYMENT DUE CONTRACTOR:	\$10,367.09

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee was informed by Staff that the Willmar Fire Department has received fitness equipment from Peter Taunton, owner of Snap Fitness. The Committee was recommending the Council accept the equipment donation on behalf of the City and send a letter of appreciation to Mr. Taunton for the donation. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, Peter Taunton and Snap Fitness has donated a treadmill (valued at approximately \$5,500) and a stair-stepper (valued at approximately \$1,500) to the Willmar Fire Department for use by the firefighters.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the donation of physical fitness equipment valued at approximately \$7,000 and that the City Administrator be directed to express the community's appreciation.

Dated this 2nd day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee briefly discussed Quiet Zone information and the City's policy on sidewalk snow removal. This matter was for information only.

The Public Works/Safety Committee Report for January 27, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Mayor and Council considered a Resolution Calling for Public Hearing on an Ordinance Authorizing the Issuance of \$8,730,000 Municipal Utility Revenue Bonds. City Clerk Halliday presented

details of the Revenue Bonds for the Willmar Municipal Utilities wind turbine project. Following discussion, Council Member DeBlieck offered a motion to introduce a Resolution Calling for the Public Hearing on an Ordinance Authorizing the Issuance of \$8,730,000 Municipal Revenue Bonds, Series 2009A, and set the public hearing for February 17, 2009. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$8,730,000 MUNICIPAL UTILITY REVENUE BONDS, SERIES 2009A

(For Resolution in its entirety, see City Council Minutes file dated
February 2, 2009, located in the City Clerk's Office)

The Mayor and Council considered an Ordinance to Rezone Certain Lands from LB to R2. Planning and Development Services Director Peterson presented details of the request from Wayne Schwitters to rezone his property at 412 7th Street SW from LB (Limited Business) to R-2 (One and Two-Family Residential). The Planning Commission has reviewed and approved the request. Following discussion, Council Member DeBlieck offered a motion to introduce the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and set the public hearing for February 17, 2009. Council Member Dokken seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that throughout the two-year construction of the Waterview Business Park Project, there was an understanding that any construction cost reductions would be credited to the assessed parcels because the 2007A bond proceeds are saved in the respective debt service account. The unspent bond revenues will be used to pay the bond payments as required and the additional dollars from higher special assessments would not be needed. This action will reduce the assessments for the second through tenth years of the previously adopted assessments rolls. Following discussion, Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

AMENDING ASSESSMENT ROLL

WHEREAS, The City Council of the City of Willmar, Minnesota duly adopted the assessment roll for the Waterview Business Park Project on May 7, 2007, and

WHEREAS, certain adopted assessments have been amended due to contract reductions, unused contingency funds, or reduced construction observation costs.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Refund parcel 95-841-0100 in the amount of \$17,714.00 as a parcel which paid the assessment in full, and
2. Such assessment roll be reduced by the sum of \$185,907.00 from the original assessments for all parcels not paid to date, a copy of which is attached hereto and made a part hereof, is hereby accepted.
3. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over the remaining period of nine (9) years, the first of said installments to be payable with general taxes for the year 2009, collectible with such taxes during the year 2009.
 - B. To each installment shall be added interest at the rate of the original stated rate of

4. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

/s/ Lester Heitke
MAYOR

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